

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MEGHAN M. HOLLOWAY,

Plaintiff,

v.

**NASSAU PROVISIONS, GEICO
INDEMNITY COMPANY, et al,**

Defendants.

Civ. No. 2:20-cv-15506

ORDER

WILLIAM J. MARTINI, U.S.D.J.:

On November 3, 2020, Defendant Nassau Provisions (“Nassau”) removed this hit-and-run motor vehicle action from the Superior Court of New Jersey, invoking diversity jurisdiction. ECF No. 1. Suit was originally filed by Plaintiff Meghan Holloway in New Jersey Superior Court on September 29, 2020. Plaintiff served Defendant GEICO Indemnity Company (“GEICO”) on October 1, 2020 and Defendant Nassau on October 6, 2020. On October 16, 2020, GEICO filed its answer. Before the Court is Defendant GEICO’s motion to remand this matter to New Jersey Superior Court. ECF No. 3. Defendant GEICO contends that it did not consent to removal, as required by 28 U.S.C. § 1446(b)(2)(a). Section 1446(b)(2)(a) states that, “When a civil action is removed solely under section 1441(a), all defendants who have been properly joined and served must join in or consent to the removal of the action.” 28 U.S.C. § 1446(b)(2)(a). This case was removed pursuant to § 1441. Defendant GEICO was served. GEICO claims that it never consented to removal of this action. Defendant Nassau’s notice of removal is silent as to whether they sought consent from GEICO. *See* ECF No. 1. Defendant Nassau has not responded to Defendant GEICO’s motion to remand.

For these reasons, **IT IS** on this 23rd day of December, 2020, **ORDERED** that Defendant GEICO’s motion to remand, ECF No. 3, is **GRANTED**.

/s/ William J. Martini

WILLIAM J. MARTINI, U.S.D.J.